

Department of Youth Services
State of Alabama
Post Office Box 66
Montgomery, Alabama 36057

Legal

Montgomery, Alabama 36057

AUG 30 2004
EEOC



Investigator Noah Carter
U.S. EEOC
1130 22nd Street South, Suite 2000
Birmingham, AL 35205

BOB RILEY
GOVERNORJ. WALTER WOOD, JR.
EXECUTIVE DIRECTOR

Department of Youth Services

Post Office Box 66
Mt. Meigs, Alabama 36057

August 26, 2004

Investigator Noah Carter
U.S. Equal Employment Opportunity Commission
1130 22nd Street South, Suite 2000
Birmingham, AL 35205

RE: Charge No. 130-2004-02580

Dear Investigator Carter:

As per your letter addressed to our Personnel Manager dated August 19, 2004, the following information is provided.

1. A copy of the specific personnel policy that governs the approval or disapproval of request for donated leave was faxed to your office on July 21, 2004.
2. The respondent respectfully objects to your request for a copy of Ms. Dryer's personnel and medical files. Ms. Dryer's files contains information confidential to Ms. Dryer which the Department of Youth Services is not authorized to release absent a release and/or protective order. Without waiving that objection, we do show that a DYS employee had lower back surgery, however that employee turned in a request the latter part of November 1999 which was ample time to secure approval of the appointing authority. In the package the employee's doctor presented a medical summary concerning previous surgeries in 1990 and 1993 for the same ongoing problem which, according to State Personnel, falls in the category of catastrophic illness/injury.
3. The respondent respectfully objects to the request as worded because it is over broad, unduly burdensome and not reasonably related to the charge that Sylvia Dryer had the same surgery and was granted leave.

Sincerely

T. Dudley Perry, Jr.
Deputy Attorney General

TDPJr/pic

(Continue on Reverse)

Charge No.	Respondent	Charging Party	
Date	Action	Entered	Reviewed/
8/4/04	Spoke with Resp's repres. on this date re a follow-up to the submission of the the personnel leave records of Dyna Dwyer. Said person states that the request would not be responded to unless put in a written request. She (P. Carney) also stated that the submission of the aforementioned records would probably require a subpoena. She offered to have her supervisor telephone me, and I agreed. Note		
8/19/04	Prepared RFI on this date ref above entry	W/2	
8/30/04	On this date the Comm received a reply to the RFI dated 8/19/04. In it Resp's representative stated that it would not be providing the requested information.		
9/1/04	Phone contact with Phillip Carney		

EEOC Form 159 (Rev. 10/94) If Resp's H.R. dept. indicates that the needed records will NOT be forthcoming, Note: